

HONORABLE RICHARD A. JONES

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

KELSEY ANN PITTS,

Plaintiff,

v.

GENERAL ELECTRIC COMPANY,
et al.,

Defendants.

CASE NO. C13-1630 RAJ

ORDER

This matter comes before the court on plaintiff's Rule 56(d) motion. Dkt. # 36. On June 24, 2014, defendant Housing Authority of King County ("KCHA") filed a motion for summary judgment.

Rule 56(d) allows a court to delay deciding or deny a motion for summary judgment if a nonmovant shows by affidavit or declaration that, for specified reasons, it cannot present facts essential to justify its opposition. Fed. R. Civ. Proc. 56(d). Plaintiff contends that she is seeking facts concerning KCHA's installment, inspection and maintenance of the GE Refrigerator/Freezer, and that she needs to depose the employees

1 listed on the KCHA maintenance work order as well as KCHA staff Dean Hastler and
2 alleged eyewitness John Verbonitz IV. Dkt. # 36 (Mot.) at 3; # 37 (Lee Decl.) ¶¶ 2-3, Ex.
3 1; # 42 (Reply) at 1.

4 In its motion for summary judgment, KCHA contends, among other things, that
5 there is no evidence that KCHA knew of a latent defect. Thus, evidence regarding
6 installation, inspection and maintenance, as well as any potential eyewitness, is directly
7 relevant to KCHA's knowledge of a potential latent defect. Plaintiff is entitled to this
8 discovery.

9 The deadline for Expert Witness Disclosures is October 1, 2014, the deadline for
10 discovery is December 1, 2014, and the deadline for dispositive motions is December 30,
11 2014. Dkt. # 19. Thus, KCHA has filed its motion for summary judgment six months
12 before the deadline. While nothing in the rules precludes a party from filing a motion
13 from summary judgment early, the Local Civil Rules prohibit the filing of
14 contemporaneous summary judgment motions. Local Rules W.D. Wash. CR ("LCR")
15 7(e)(3) ("Absent leave of the court, parties must not file contemporaneous dispositive
16 motions, each one directed toward a discrete issue or claim."). This court has interpreted
17 LCR 7(e)(3) as prohibiting more than one summary judgment motion against the same
18 opposing party. The court also recognizes KCHA's concern regarding expenses
19 associated with expert witnesses where it may not have any liability. The court is
20 cognizant of the increasing costs of litigation. Nevertheless, plaintiff is entitled to pursue
21 relevant discovery before opposing a summary judgment motion.

22 Accordingly, the court will grant an extension on the noting date. The Clerk is
23 DIRECTED to re-note the motion for summary judgment (Dkt. # 31) to August 29, 2014.
24 The parties are to cooperate and promptly schedule depositions of employees listed on
25 the KCHA maintenance work order, Dean Hastler, and GE's 30(b)(6) witness, no later
26 than August 20, 2014. Plaintiff may also continue to attempt to locate John Verbonitz
27 IV. Plaintiff's opposition to the summary judgment motion shall be due August 25,

1 2014. KCHA's reply shall be due August 29, 2014. Additionally, the court extends the
2 deadline for expert witness disclosures to October 22, 2014.

3 For all the foregoing reasons, the court GRANTS plaintiff's Rule 56(d) motion.
4 Dkt. # 36.

5 Dated this 29th day of July, 2014.

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9 The Honorable Richard A. Jones
10 United States District Judge
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